

Egremont Planning Board Minutes

December 9, 2020

Call to Order: 10:01 AM

Present via Zoom: Jared Kelly, Eddie Regendahl, Nick Keene, Matthew Bersani, Donna B. Gordon

Citizens in Attendance: Marj Wexler, Eileen Vining, Mary McGurn, Mary Jane White, Jonathan Magnotti, Teddy & Sherri Klinghoffer, Sallys' iPad, Jeffrey Labonte, Daniel, Suehiko Ono, Fred Harris, Lucinda Vermeulen

Form A's: Jonathan Magnotti from Kelly, Granger & Parsons presented a Plan A subdivision on behalf of Uwe Bischoff who owns 60.87 acres on both sides of Bow Wow Road in one deed. Most of the land is in Egremont, (41.14 acres) and part of the land is in Sheffield (19.73 acres). The Plan A severs the land on the southwest side of the Sheffield border from what is remaining on the northeast side of Bow Wow road in Egremont. About 55 acres remain with plenty of road frontage in Egremont. No new boundaries are being drawn, no new lines being created. Endorsement in Sheffield is not necessary as all changes are in Egremont.

A motion was made to accept the Form A and unanimously approved.

Mail: - Great Barrington, Notice of Decision on Special Permit: After a public hearing on November 23, 2020, the GB Selectboard voted to grant the requested special permit to Coastal Cultivars to permit a retail marijuana establishment at 454 Main Street, GB closer than the 200 feet to the property of a private school.

- Chris Rembold, Dir of Planning & Community Development: The Town of GB invites review and comments from abutting Towns on the recently completed Hazard Mitigation and Climate Adaptation Plan (HMCAP). The Plan may be accessed on the Planning Department page of the GB Town website.
- Town of GB, Notice of Decision on Special Permit: After two public hearings, The town of GB voted to deny a special permit request to Berkshire aviation for an Aviation Field in a R4 Zone at 70 Egremont Plains Road which included the construction of six new hangers as accessory buildings.

Minutes: The November 25, 2020, minutes were accepted as amended.

Citizens Time: The Klinghoffers of Townhouse Road presented on behalf of themselves and other abutters/neighbors of Kevin Zurrin, who in mid December had been scheduled to appear before the ZBA for a special permit application regarding a marijuana cultivation business. The Klinghoffers et.al, received last minute notice that the ZBA meeting was cancelled with no explanation. They were looking for answers, guidance and ways to move forward with their concerns which were: 1) odors, 2) lower property values, 3) children, 4) nuisance, (lights, camera) and 5) potential crime. The Klinghoffers want to understand the PB's responsibilities with respect to commercial

cannabis farming in a residential neighborhood. The Board spoke about the Marijuana Bylaw in process and the case law that was recently brought to the Board's attention by Town Counsel that was the impetus for the cancellation of the Zurrin hearing. Jared explained that Zurrin will make his own decision whether or not to bring an application for a Special Permit to the Planning Board. Until that time, the Planning Board cannot act on his application. Jared invited the Klinghoffers, along with others they represent, to participate in future Planning Board meetings and to offer input into the draft Marijuana Bylaw process.

Lucinda spoke about Host Community Agreements (HCA) as being purely a starting point for a Marijuana Establishment (ME) process and reminded the citizens that the town had voted overwhelmingly to approve Marijuana and all its licenses (8 at the time).

Sally (I-pad) spoke about her concerns regarding the return of Sparkboro with a revised application. She wondered if there was a way to stop the application before it gained traction. Jared reminded citizens that potentially other than with cultivation right now, a special permit is required by all Boards. Currently, there are no applications before the PB, so there is nothing the PB can do at this time.

New Business: - Eddie represented the Board at the Town's All Board's Meeting. The Board of Selectmen had researched the possibility holding a Special Town meeting in early 2021. Due to the increased risk of the pandemic, the cold weather and other logistics, the BOS regretfully announced it would be unable to hold a Special Town Meeting before the Annual Town Meeting in May. They suggested that any warrants to be put on the Agenda for the Annual Town Meeting be submitted in early March.

- Matt informed the Board he attended a zoom Informational Forum on regulating marijuana cultivation hosted by the Williamstown's Planning Board. Matt invited a speaker from the forum, Suehiko Ono, co-founder and CEO of Eos Farms in Pittsfield to speak with the PB about Eos Farm's marijuana cultivation model, best practices for controlling nuisance related to indoor/outdoor cultivation and where he sees the industry headed.

Eos Farm Presentation: Suehiko's spoke about the Eos Farm marijuana cultivation model which aims to connect and integrate cannabis into the food system. Using data from other states that have legalized recreational marijuana, Suehiko spoke to the industry's future where the price of cannabis in a full mature market (projected 3-5 years) would drop precipitously. Due to the wildly fluctuating economics of the market, and the considerable variance in expense between maintaining an indoor vs outdoor cultivation, he recommended outdoor grow over indoor grow as being more sustainable and friendlier to small farms in general. In addition, outdoor grow requires less accessory buildings so in the event of a business failure, empty structures would not litter the landscape.

The Board asked Suehiko about odor control, which security measures are most effective and least intrusive to abutters/neighbors, technological advances made around

lighting systems, fencing, setbacks and other concerns that will assist the Board in drafting the Bylaw. Highlights include the following:

- Infrared and thermal lighting technologies to reduce and/or eliminate light pollution (note: outdoor cultivation does not require grow lights)
- While fences provide a physical boundary, monitored detectors, cameras and vibrational alarm systems provide the most effective security.
- There is no scientific evidence to support the claim that odor from marijuana is dangerous to one's health.
- The odor from an outdoor grow is most pungent during the flowering stage and lasts approximately 60 days. Outdoor odor is less concentrated than indoor odor. Indoor cultivation produces flowers 4-5x per year resulting in longer periods of potential odor.
- Indoor grow is substantially more expensive to establish and to maintain.

Citizen Jeffrey Labonte agreed that indoor grow facilities will become outmoded as the market becomes saturated and argued that was another reason to oppose indoor grow facilities.

The Board appreciated the input and guidance from Suehiko.

Draft Marijuana Bylaw: The Board discussed adding language in our draft Bylaw's Purpose and Intent Section to encourage and preserve traditional agricultural farming in Egremont with an eye towards helping farmers supplement their regular crops and thereby foster sustainability.

The Board revisited the issue of setbacks and acreage regarding cultivation and explored the idea of increasing setbacks to 1000 feet for larger acreage. Given the amount of accessory structures required for in-door grow, as well as other nuisances that are present over a longer stretch of time, the Board is beginning to rethink best practices for the town in this area.

Nick updated the Board on his preparation of mock-ups based upon current suggested setbacks and will continue to develop samples based on new suggestions. He will present these at our next meeting. The Board suggested Nick coordinate the development of town maps with BRPC.

Other Business: Jared informed the Board and citizens present that Town Counsel approved the wording to change the definition of agriculture to exclude marijuana in our current Bylaw. The Board will request this change be on the warrant for the next Town Meeting.

Meeting Adjourned: 11:48 a.m.

Next Meeting: Tuesday, December 22, 2020, at noon

Respectfully submitted by Donna B. Gordon, December 13, 2020